

FEB 27 2019

At 2:53 PM.
Velva L. Price, District Clerk

CAUSE NO. D-1-GN-19-001015

THE STATE OF TEXAS,
Plaintiff,

v.

WE BRAND BETTER, LLC, LATITUDE
SOLUTIONS & CONSULTING LLC,
SAHIL MIGLANI, and HARNEET OBEROI,
Defendants.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

2004 JUDICIAL DISTRICT

TEMPORARY RESTRAINING ORDER AND ASSET FREEZE

1. Plaintiff, the State of Texas, has filed its original petition in this cause seeking a Temporary and Permanent Injunction and has presented its Application for a Temporary Restraining Order. Based on the findings below, the Application for Temporary Restraining Order is **GRANTED**.
2. This Court **FINDS** it has jurisdiction over the subject matter of this case, jurisdiction over the parties, and venue in this district is proper. This Court **FINDS** that there is good cause to believe Defendants have engaged in and are likely to engage in acts and practices that violate §§ 17.46(a) and (b) of the Texas Deceptive Trade Practices-Consumer Protection Act (“DTPA”), Tex. Bus. & Com. Code §§ 17.41-17.63. The Court **FINDS** that this action is in the public interest and a Temporary Restraining Order should be issued to restrain and prevent Defendants’ continued unlawful acts and practices, as specified below, in violation of the DTPA. DTPA § 17.47(b).
3. It appears from the evidence set forth in Plaintiff’s Original Petition and Application for Temporary Restraining Order, the affidavits, and attached exhibits, that unless Defendants are immediately restrained from the acts and practices below, Defendants will continue to commit such unlawful acts and practices before notice can be given and a hearing can be



held on Plaintiff's request for a temporary injunction. Furthermore, the Court **FINDS** that unless Defendants are immediately restrained and an asset freeze is granted, there is good cause to believe (a) Defendants will dissipate funds, obtained from unlawful acts or practices, before a temporary injunction hearing can be held and before full trial on the merits, and (b) immediate and irreparable damage will occur to the Court's ability to grant effective final relief for consumers—including restoration of money or property acquired by means of unlawful acts or practices, rescission or reformation of contracts, restitution, refund of monies paid, and disgorgement of ill-gotten monies. DTPA § 17.47(a), (b), (d). Further, an order freezing certain accounts and assets described herein is necessary to preserve monies and assets that Defendants have obtained using unlawful acts or practices, until a temporary injunction hearing and final trial can be held. DTPA § 17.47(a), (b), (d). The Court **FINDS** that prior notice of Plaintiff's Original Petition and Application for Temporary Restraining Order is not required before entry of this Order because there is good cause to believe that such an emergency exists that immediate and irreparable loss or injury and the dissipation of assets would occur as a result of such a delay. *Id.* The Court **FINDS** this Temporary Restraining Order may be issued without bond. DTPA § 17.47(b).

I. DEFINITIONS

4. "Corporate Defendants" means We Brand Better, LLC, and Latitude Solutions & Consulting LLC.
5. "Individual Defendants" means Sahil Miglani and Harneet Oberoi.
6. "Defendants" means all of the Individual Defendants and the Corporate Defendants, individually, collectively, or in any combination, and each of them by whatever name each might be known.

II. PRESERVATION OF EVIDENCE

7. **IT IS ORDERED** that Defendants and their officers, agents, servants, employees, and any other person or entity in active concert or participation with them—whether acting directly or through any corporation, company, partnership, trust, entity, subsidiary, division, or other device—who receive actual notice of this order by personal service or otherwise, are hereby enjoined from transferring, concealing, destroying, or removing from the jurisdiction of this Court any books, records, documents, or other written or computer generated materials relating to the business of Defendants currently or hereafter in Defendants' possession, custody, or control except in response to further orders or subpoenas in this cause.

III. PROHIBITED BUSINESS CONDUCT

8. **IT IS ORDERED** that Defendants and their officers, agents, servants, employees, and any other person or entity in active concert or participation with them—whether acting directly or through any corporation, company, partnership, trust, entity, subsidiary, division, or other device—who receive actual notice of this order by personal service or otherwise, are hereby enjoined from engaging in the following conduct until further order of this Court:
- A. Advertising, marketing, promoting, offering for sale, or selling any computer security or computer-related technical support service;
 - B. Assisting others engaged in advertising, marketing, promoting, offering for sale, or selling any computer security or computer-related technical support service;
 - C. Disclosing or using any customer information obtained by Defendants, including the name, address, telephone number, email address, social security number, other identifying information, or any data that enables access to the account of any

- person;
- D. Passing off a Defendant's services as those of another party;
 - E. Causing confusion or misunderstanding as to the approval or certification of any of Defendants' services, including, but not limited to, representing, directly or by implication, that Defendants' services are approved by, certified by, or otherwise authorized by Microsoft or any other third party;
 - F. Causing confusion or misunderstanding as to any Defendant's affiliation, connection, or association with, or certification by, another, including, but not limited to, representing, directly or by implication, that one of Defendants are affiliated with, certified by, or otherwise authorized by Microsoft or any other third party;
 - G. Representing, directly or by implication, that any service offered or sold by any of the Defendants have sponsorship, approval, characteristics, ingredients, uses, or benefits which they do not have, including but not limited to:
 - i. Representing that a Defendant has removed or will remove any virus, hacker, or other problem with a computer that does not exist or that is not removed;
 - ii. Misrepresenting the effectiveness of any software or services offered by a Defendant; or
 - iii. Representing that a Defendant's services include lifetime coverage, or some other term of coverage, if they do not;
 - H. Representing, directly or by implication, that any Defendant has a sponsorship, approval, status, affiliation, or connection which he does not have;

- I. Representing that services are of a particular standard, quality, or grade, if they are of another, including but not limited to:
 - i. Representing, directly or by implication, that any computer command that a Defendant executes or test a Defendant runs is effective in detecting viruses, malware, hackers, or other issues with a computer if it is not; or
 - ii. Representing, directly or by implication, that any computer command that a Defendant executes is effective in remediating any viruses, malware, unauthorized access, or other issues with a computer if it is not;

- J. Making any false or misleading statements of fact concerning the need for repair service, including but not limited to:
 - i. Representing that the presence of “foreign addresses” in the results of any “netstat” command is evidence of a virus, the presence of hackers, unauthorized access to a computer, or other problem needing to be repaired;
 - ii. Representing that the existence of stopped services in the System Configuration tool is evidence of a virus, the presence of hackers, unauthorized access to a computer, or other problem needing to be repaired;
 - iii. Misrepresenting that an “error” or “warning” found in a user’s Event Viewer is evidence of a virus, the presence of hackers, unauthorized access to a computer, or other problem needing to be repaired;
 - iv. Representing that one of the Defendants has detected a virus or other problem with a person’s computer when it has not;
 - v. Representing that a computer has a virus, has been hacked, or is otherwise in need of repairs if there is no scientifically reliable evidence to substantiate

such fact;

- K. Representing, directly or by implication, that a Defendant has performed any work or service that it has not performed, including but not limited to:
 - i. Representing that a Defendant has installed a network firewall or other security tool that it has not; or
 - ii. Representing that a Defendant has removed a virus, removed malware, removed hackers, disabled foreign addresses, or taken any other steps to secure a consumer's computer when it has not;
- L. Representing, directly or by implication, that a Defendant has made a refund which it has not made;
- M. Representing, directly or by implication, that a Defendant intends to make a refund that it does not intend to make;
- N. Failing to disclose information concerning goods or services which was known at the time of the transaction with the intent to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed; and
- O. Collecting or attempting to collect any fee or payment for a service that was marketed through any method or means that would violate this injunction.

IV. ASSET FREEZE

9. **IT IS ORDERED** that the Defendants and their officers, agents, servants, employees, attorneys and any other persons in active concert or participation with them, shall be restrained from engaging in the following acts or practices until further order of this Court:

- A. Transferring, withdrawing, liquidating, spending, concealing, encumbering, removing, dissipating, distributing, assigning, granting a lien or security interest in, or otherwise disposing of any funds, real or personal property, accounts, contracts, shares of stock, other assets, or any interest therein, or allowing same to occur, wherever located, that are:
- i. Owned, controlled, or held by, in whole or in part, for the benefit of, or subject to access by, or belonging to any Defendant, including but not limited to, any accounts to which any Defendant has signatory authority, and specifically including but not limited to the following accounts:
 - Bank of America
 - Account xxxx4268
 - Account xxxx4480
 - Account xxxx6745
 - Account xxxx0884
 - Account xxxx9545
 - Account xxxx5154
 - Comerica
 - Account xxxxx5513
 - Wells Fargo
 - Account xxxxx4961
 - ii. In the actual or constructive possession of any Defendant, or
 - iii. In the actual or constructive possession of, or owned, controlled, or held by, or subject to access by, or belonging to, any other corporation, partnership, trust, or any other entity directly or indirectly owned, managed, or controlled by, or under common control of, any Defendant; and

B. Opening or causing to be opened any safe deposit boxes, commercial mail boxes, or storage facilities titled in the name of any Corporate or Individual Defendant or subject to access, ownership, or control by any Defendant, without providing Plaintiff and the Court prior notice by motion seeking such access.

10. **IT IS ORDERED** that any financial institution—including, but not limited to, the financial institutions specifically named above in paragraph 9—or any business entity or person, maintaining or having custody or control of funds, accounts, or assets of any kind in the name and/or for the benefit of any Defendant, or to which any Defendant has access to or signatory power, who receive actual notice of this Order by personal service, email, facsimile transmission, or otherwise, shall (1) hold and retain within its control any of the assets, funds, accounts or other property, (2) prohibit the withdrawal, removal, assignment, transfer, pledge, hypothecation, encumbrance, disbursement, dissipation, conversion, sale, liquidation, or other disposal of the assets, funds, accounts or other property, except as permitted in accordance with Section V of this Order, and (3) produce a current balance sheet and the previous six account statements for each account they locate, without further order of the Court.
11. The funds, property, and assets affected by this Section of this Order shall include both existing assets and assets acquired by any Defendant after the effective date of this Order and in violation of this Order.

V. MODIFICATION OF ASSET FREEZE

12. **IT IS ORDERED** that if any of the parties, persons, or entities referenced in this Order agree in writing, through their authorized representatives or counsel, to specify that certain funds or assets be or remain frozen, or that certain funds or assets be released from the

asset freeze ordered in Section IV of this Order, then such parties or entities may do so. Any financial institution holding funds or assets subject to the freeze under Section IV of this Order shall comply with any written directive relating to the freezing or unfreezing of any bank account or asset referenced in this Order, without further order of this Court, provided such written directive is signed by an Assistant Attorney General representing the State of Texas and an authorized representative or attorney of such Defendant, person or entity with custody or control of the bank account or asset involved. Nothing in this Order shall preclude any party from filing a motion seeking a modification of this Order from the Court.

VI. EXPEDITED DISCOVERY

13. **IT IS ORDERED** that Plaintiff shall be granted leave to conduct expedited discovery. Any discovery taken or propounded by the Plaintiff for purposes of the temporary injunction hearing is in addition to, and not subject to, any limits on the quantity of permissible discovery provided for in the Texas Rules of Civil Procedure or the rules of this Court. Any limitations and conditions set forth in the Texas Rules of Civil Procedure or the rules of this Court regarding subsequent depositions of an individual shall not apply to depositions pursuant to this section:
- A. Plaintiff may take the deposition of any witness upon three (3) days' notice to the attorneys for the Defendants, if known, including taking telephonic, video, written, and other depositions with a request for production of documents prior to any scheduled temporary injunction hearing and prior to Defendants' answer date;
 - B. Defendants shall provide the following information to counsel for the Plaintiff and a statement, signed by Defendants and notarized, certifying that the information is

true and accurate within five (5) business days of receiving actual notice of this order:

- i. Identification and description of all accounts and assets as described in Section IV, Paragraph 9 of this Order held or controlled by Defendants at any time during the three (3) years prior to the effective date of this Order, including the names and locations of the financial institutions holding such accounts or assets, the last three digits of any account numbers, the balance of the accounts on the effective date of this Order, and the nature, description, location and estimated value of any other assets;
 - ii. Identification and location of any safe deposit box, commercial mail box, or storage facility that is either titled in the name, individually or jointly, of any Defendant, or is otherwise subject to access or control by any Defendant or other party subject to Section IV of this Order in whole or in part;
 - iii. Identification of any Defendant or other party that has attempted to access any account, safe deposit box, storage facility, or other asset subject to Section IV since the effective date of this Order; and,
 - iv. If the account, safe deposit box, storage facility, or other asset subject to Section IV of this Order has been closed or removed, the date closed or removed, the balance or value on said date, and the current location of the removed funds or assets, and the identity of any immediate and subsequent transferees of such funds or assets;
- C. Defendants shall provide the following information in electronic form, if available, to counsel for the Plaintiff and a statement, signed by Defendants and notarized,

certifying that the information is true and accurate within five (5) business days of receiving actual notice of this order:

- i. Names and last known contact information, including mailing address, physical address, telephone number, Social Security Number, and email address of all current and former employees of any of Defendants;
 - ii. All agreements entered into between (1) any one or more of the Defendants and (2) any one or more of the Defendants or other parties or entities subject to this Order;
 - iii. Any contract, agreement, or other document authorizing Defendants to provide customer support on behalf of Microsoft Corp., or otherwise reflecting any relationship, association, or affiliation between Defendants and Microsoft Corp.;
 - iv. Any contract, agreement, or other document authorizing Defendants to provide customer support on behalf of Apple Inc., or otherwise reflecting any relationship, association, or affiliation between Defendants and Apple Inc.;
 - v. Any contract, agreement, or other document authorizing Defendants to provide customer support on behalf of Cisco Systems, Inc., or otherwise reflecting any relationship, association, or affiliation between Defendants and Cisco Systems, Inc.; and
- D. Defendants shall respond to interrogatories, requests for admissions, or requests for production of documents within five (5) business days after service of the discovery request.

14. The Court **ORDERS** that the filing requirements for business records and the associated custodial affidavits be waived for purposes of all temporary injunction hearings.

VII. CONCLUSION

15. **IT IS ORDERED** that Defendants in this cause be and hereby are commanded forthwith to comply with this Order from the date of entry until and to the fourteenth (14th) day after entry or until further order of this Court.
16. The Clerk of the above-entitled Court shall forthwith issue a Temporary Restraining Order in conformity with the law and the terms of this Order. DTPA § 17.47(a).
17. This Order shall be effective without the execution and filing of a bond because Plaintiff, the State of Texas, is exempt from such bond under Tex. Civ. Prac. & Rem. Code § 6.001 and DTPA § 17.47(b).
18. A temporary injunction hearing in this cause is hereby set for the 13th day of March, 2019, at 9 o'clock a. M.

SIGNED this 27th day of February, 2019 at 2:50 o'clock, P m.


JUDGE PRESIDING

